

8 – BUSINESS

Compilation Number	Ordinance Number	Subject
8-1	[Repealed]	
8-2	[Repealed]	
8-3	[Repealed]	
8-4	[Repealed]	
8-5	[Repealed]	
8-6	1766	Cable Television Regulation
8-7	[Repealed]	
8-8	1925 as amended by 2008	Public Dances
8-9	2055	Business Registration
8-10	2336	Film Permit Process

ORDINANCE NO. 1766

AN ORDINANCE RELATING TO THE CONSTRUCTION, OPERATION, REGULATION AND CONTROL OF CABLE COMMUNICATIONS SYSTEMS WITHIN THE CITY'S TERRITORIAL LIMITS.

THE PEOPLE OF THE CITY OF WOODBURN DO ORDAIN:

[The substance of this ordinance is not reproduced here because of its great length. The full text of the ordinance is on file for public reference in the office of the City Recorder.]

Passed by the Council September 21, 1981, and approved by the Mayor September 22, 1981.

ORDINANCE NO. 1925

AN ORDINANCE PROVIDING FOR THE REGULATION OF PUBLIC DANCES; REPEALING ORDINANCE NO. 1299; AND DECLARING AN EMERGENCY.

THE CITY OF WOODBURN ORDAINS AS FOLLOWS:

Section 1. Public Dance Defined. A "public dance" is any dance not held in a private home or residence which is open to the general public.

Section 2. Exclusions. Provisions of this ordinance shall not apply to dances conducted as follows:

(a) Dances on premises regularly licensed by the Oregon Liquor Control Commission when such licenses are in effect.

(b) Dances or dancing instruction conducted by private dancing schools conducted exclusively for the purpose of giving instructions in dancing.

(c) Dances sponsored by public schools or church organizations on their property.

(d) Dances conducted by nonprofit clubs or fraternal, charitable or religious organizations to which admission is limited to members and to guests of a member.

Section 3. Necessity for License. No public dance shall be held until a license is obtained under this ordinance.

Section 4. Application for Issuance of License.

(a) Application for a license to hold a public dance shall be made in writing to the City Recorder at least 14 days prior to the date of the proposed dance. An application for an annual public dance license shall be accompanied by a fee of \$300.00, \$250.00 of which shall be refunded in the event such license is denied. An application for a license for a single public dance shall be accompanied by a license application fee of \$50.00, no part of which shall be refundable in the event such license is denied. An annual public dance license shall be effective for one year from the date of issue. However, individual application for each public dance to be held shall be required as provided above.

(b) The application shall be signed by the applicant and by not less than two residents of the City of Woodburn. The residents shall certify that the applicant is of good moral character and shall request that such a license be issued to the applicant.

(c) The application shall contain the names of persons employed by the applicant to be in charge of providing security and control of said public dance. There shall be a minimum of two (2) such persons employed by the applicant for each dance. The persons so employed shall be over the age of 21 years.

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(d) The application shall contain all such information as may be relevant to the character and background of the applicant, his security personnel required by Subsection (c) above, and his associates and partners, if any.

(e) The City Recorder shall forward the application to the Police Chief for investigation and may withhold issuance of a dance license until the application has been investigated and approved by the Police Chief. Upon approval by the City Recorder and Police Chief, the City Recorder shall issue the dance license.

Section 5. License Non-Transferable. Public dance licenses issued pursuant to this ordinance shall not be transferable.

Section 6. Hold Harmless Provision. By applying for and accepting a public dance license the applicant shall be deemed to have agreed to indemnify and hold harmless the City of Woodburn, its officers, boards, commissions, agents, and employees against and from any and all claims, demands, causes of actions of any kind or nature whatsoever which arise as a result of the issuance of the public dance license.

Section 7. License Denial, Cancellation and Revocation.

(a) Approval of a dance license shall be denied if the required application is incomplete, false or fraudulent or if the applicant, his security personnel, or partners or associates have, in the previous two years, violated the terms of a public dance license or of this ordinance. Prior conviction of the applicant of a felony or misdemeanor involving moral turpitude may be grounds for denial of a license when considered in the light of an applicant's entire background. Denial of a dance license may be based upon previous disruptive behavior having occurred at a public dance promoted, sponsored or held by the applicant, within the previous two years. Disruptive behavior may also be grounds for revocation or suspension of a license by the City Administrator.

(b) The City Administrator may cancel or revoke any dance license after it has been issued, if it is learned that the same was procured by fraud or false representation of fact.

(c) The applicant may appeal to the City Council from the decision of the city administrator in refusing to issue a public dance license, or revoking or canceling a license previously issued.

(d) All appeals to the City Council shall be in writing and filed with the city recorder within three days from the date of notice of the city administrator's decision. All appeals shall be heard by the City Council at its next regular meeting.

(e) The decision of the City Administrator shall not be stayed during the pendency of the appeal to the City Council. The City Council shall review the denial, suspension or revocation appealed from, and the action of the City Council shall be final.

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Section 8. Use of Return Checks Prohibited.

(a) No person shall give to any person leaving a dance hall a return check or other token whereby readmission to such dance hall can be obtained without the payment of a fee the same as on original admission.

(b) No person leaving a dance hall shall receive any such ticket or token or gain readmission without paying the same fee as upon original admission.

(c) The provisions of this section shall not affect in any way readmittance during or after a regularly scheduled intermission.

Section 9. Closing Hours. All public dances shall be discontinued and all dance halls shall be closed on or before 12:30 a.m.

Section 10. Alcoholic Beverages Prohibited.

(a) The use of alcoholic beverages is prohibited at a public dance except that a person granted a license under this ordinance may serve and dispense alcoholic beverages for use on the premises of the public dance if that person has a valid special events permit issued by the Oregon Liquor Control Commission.

(b) The necessity of obtaining a license under the ordinance in no way relieves a person from complying with the rules and regulations of the Oregon Liquor Control Commission and any other applicable law.

Section 11. Authority to Terminate Dance. The City Administrator or Chief of Police shall have the authority to terminate a public dance without notice for non-compliance with this ordinance or other applicable law.

Section 12. Civil Infraction Assessment. A violation of any provision of this ordinance constitutes a class 2 civil infraction and shall be dealt with according to the procedures established by Ordinance 1998. [Section 12 as amended by Ordinance 2008 passed October 24, 1988.]

Section 13. Severability. Each portion of this ordinance shall be deemed severable from any other portion. The unconstitutionality or invalidity of any portion of this ordinance shall not invalidate the remainder of the ordinance.

Section 14. Repeal and Saving Clause.

(a) Ordinance No. 1299 is hereby specifically repealed.

(b) Notwithstanding Subsection (a) of this section, Ordinance No. 1299 shall remain valid and in force for the purpose of authorizing the arrest, prosecution, conviction and punishment of a person who violated Ordinance No. 1299 prior to the effective date of this ordinance.

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Section 15. [Emergency clause.]

*Passed by the Council September 9, 1985, and approved by the Mayor
September 11, 1985.*

ORDINANCE NO. 2055

AN ORDINANCE PROVIDING FOR THE REGISTRATION OF BUSINESS WITHIN THE CITY OF WOODBURN; ESTABLISHING A REGISTRATION PROCESS; AND PROVIDING A PENALTY FOR VIOLATION THEREOF.

THE CITY OF WOODBURN ORDAINS AS FOLLOWS:

Section 1. Purpose. This ordinance is enacted, except as otherwise specified, to assist law enforcement and nuisance abatement regulations, to recoup the necessary expenses required to undertake the administration and enforcement of this ordinance, to provide revenue for municipal purposes, and to provide for the health, safety and welfare of the citizens of Woodburn through the registration of business. The payment of a registration fee required hereunder and the acceptance of such fee and issuance of a business registration certificate by the City shall not entitle the registrant to carry on any business not in compliance with all the requirements of City ordinances and all other applicable laws.

Section 2. Definitions. For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have meaning given herein unless the context requires otherwise:

A. "Business" means all kinds of vocations, occupations, professions, enterprises, establishments, and all kinds of activities and matters, together with all devices, machines, vehicles and appurtenances used therein, any of which are conducted for private profit, or benefit, either directly or indirectly, on any premises in the City. This definition includes, but is not limited to, any transaction involving the rental of property, the manufacture or sale of goods, or the sale or rendering of services other than as an employee.

B. "The City" means the City of Woodburn, Oregon.

C. "City Council" means the City Council of the City of Woodburn, Oregon.

D. "Contractor" means any person registered under ORS 701.055 or who undertakes to or offers to undertake for a consideration to furnish labor and/or material necessary or required to construct, reconstruct, alter, repair, or add to any building, bridge, ditch, flume, reservoir, well, fence, street, sidewalk, machinery and all other structures and superstructures.

E. "Employee" means any individual who performs services for another individual or organization having the right to control the employee as to the services to be performed and as to the manner of performance.

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F. "Garage Sale" means a commercial activity, open to the public, conducted at a private residence where personal property is sold, or auctioned to others, provided the number of sale days at a particular residence does not exceed three (3) days per occurrence, and no more than two (2) occurrences per calendar year.

G. "Person" means and includes individual natural persons, partnerships, joint ventures, societies, associations, clubs, trustees, trusts or corporations or any officers, agents, employees or any kind of personal representatives thereof, in any capacity, either on that person's own behalf or for any other person, under either personal appointment or pursuant to law.

H. "Premises" means and includes all lands, structures, places and also the equipment on appurtenances connected or used therewith any business, and also any personal property which is affixed to or is otherwise used in connection with any such business conducted on such premises.

I. "Residential Rental Unit" means a dwelling containing one or more separate living quarters, one or more of which is rented, leased, or let in exchange for full or partial monetary compensation.

Section 3. Exemptions.

A. Nothing in this ordinance shall be construed to apply to any person transacting or carrying on any business within the City of Woodburn which is exempt from taxation by the City by virtue of the Constitution of the United States or the Constitution of the State of Oregon.

B. No person whose income is based solely on a wage or salary shall, for the purpose of this ordinance, be deemed a person transacting or carrying on any business in the City, and it is the intention that all registration taxes and fees will be borne by the employer.

C. Any business paying a franchise tax or transient occupancy tax under City ordinances is exempt from the requirements of this ordinance.

D. Persons whose sole business activity is making deliveries or taking orders from duly registered businesses within the City are exempt from this ordinance.

E. Persons whose gross receipts from business conducted both within and without of the City amount to less than \$2,500 per calendar year; provided that any such person shall upon demand by the City provide proof verifying said compliance amount and provided further that this particular exemption does not supersede the applicability of the exemption for garage sales as defined in this ordinance.

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F. The operation of a business, display or sales space at any special event with a duration of three days or less shall not be required to register under this ordinance. A special event is deemed to be a City-endorsed activity for the benefit of the community.

G. Any producer of farm products raised in Oregon, produced by themselves or their immediate families, who sell, vend, or dispose of such products within the City.

H. Nonprofit organizations, religious organizations, financial organizations, civic organizations and clubs wishing to canvass for funds or sell door-to-door to raise funds, or conduct fund-raising events to be used solely for the purpose for which the organization was created, and from which no third party receives a profit.

I. A builder who is registered under ORS 701.055 and is employed as a subcontractor working for a contractor possessing a valid business registration issued by the City of Woodburn.

J. Garage sales as defined in this ordinance.

K. Any person required to be licensed through any other City ordinance including, but not limited to activities such as "merchant police," peddlers and solicitors," "public dances," or other licensed activities.

L. Home Occupations as defined in Section 1.270 of Ordinance 1807 known as the City of Woodburn Zoning Ordinance.

Section 4. Registration Required.

A. No person shall engage in any business within the City or transact any business specified in this ordinance, without first obtaining a registration certificate and paying the fee prescribed. The provisions of this ordinance shall be in addition to any other fee or registration requirements imposed by the City of Woodburn, unless otherwise specified.

B. The agent or agents of a non-resident proprietor engaged in any business for which registration is required by this ordinance shall be liable for any failure to comply with the provisions of this ordinance, or for any penalty assessed under this ordinance, to the extent and with like effect, as if such agent or agents were themselves the proprietors or owners of the business.

C. A person engaged in business in more than one location, or in more than one business registered under this ordinance at the same location, shall make a separate application for each business or location, provided however that only one registration fee shall be applicable to said person. Warehouses and distributing plants used in connection with and incidental to a business shall not be deemed a separate place of business. Separately franchised operations shall be deemed separate businesses even if operated under the same name.

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D. A person representing himself/herself, or exhibiting any sign or advertisement that he/she is engaged in a business within the City shall be deemed to be actually engaged in such business and shall be liable for the payment of such registration fee and subject to the penalties for failure to comply with the requirements of this ordinance.

E. No person shall maintain or operate one or more residential rental units without first obtaining a business registration certificate and paying the prescribed fees.

Section 5. Application.

A. Application for business registration, and for renewal of business registration shall be made to the Finance Department upon forms furnished by the City. Each application shall state:

(1) The name and address of the proposed business location in the City.

(2) A description of the business activity to be carried on.

(3) The name, address, and business phone number of the applicant or agent.

(4) Phone number, in case of emergency, of at least one person other than the above applicant or agent.

(5) Description of any hazardous, chemical, or flammable materials which may be stored or utilized at the business location, as defined under ORS 466.605.

(6) The name, address, and business phone number of the proprietor if different than that of the applicant.

(7) Number of employees.

(8) Occupational license identification if required by the State of Oregon.

B. The City Administrator or his/her designee may require the applicant to supply any additional information necessary for administrative purposes.

C. The annual registration fee shall be paid to the City of Woodburn upon the filing of the application for a new business registration certificate, or upon the annual renewal thereof on the one year anniversary date of the original application. Failure to do so will subject the applicant to a delinquency charge.

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Section 6. Fee.

A. The annual business registration fee required by this ordinance shall be thirty-five dollars (\$35.00) per year for the initial or new business registration.

B. The annual renewal business registration fee required by the ordinance shall be twenty-five dollars (\$25.00) per year.

Section 7. Use of Revenue. The net revenue derived after deducting the costs of administering and accounting for business registration shall be dedicated to support the activities of Code Enforcement.

Section 8. Transfers, Relocations and Terms of Registration.

A. Transfer: In the event of the transfer of ownership of any business, the applicable registration certificate may be transferred by application to the Finance Director. An application shall be accompanied by a transfer fee this fee to be ten dollars (\$10.00).

B. Relocation of Existing Business: In the event a business relocates, the business shall reapply to the Finance Director to transfer the business registration.

C. Registration Term: A business registration issued under this ordinance shall be valid from the date of issuance until the following annual anniversary date.

Section 9. Revocation of Registration. The City Administrator, upon determining that a business activity, establishment or device is violating this ordinance, other City ordinances, or State or Federal law, shall notify the business in writing that the registration is to be revoked. The notice shall be given at least 15 days before the revocation. If the violation ends within 15 days, the City Administrator may discontinue the revocation proceedings. A notice of revocation shall state the reason for the revocation and inform the business of the provisions of appeal.

Section 10. Suspension of Registration. Upon determining that a business activity or device presents an immediate danger to person or property, the City Administrator may suspend the business for the activity or device at once. The suspension shall take effect immediately upon notice of the suspension's being received by the business, or being delivered to the business address as stated on the application that is being suspended. The notice shall be mailed to the business and state the reason for the suspension and inform the business of the provisions for appeal. The City Administrator may continue suspension so long as the reason for the suspension exists or until a determination on appeal regarding the suspension is made.

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Section 11. Appeal.

A. A business whose registration has been denied renewal, has been suspended, or is to be revoked, may within 15 days after the notice of denial, suspension or revocation is mailed, appeal in writing to the City Council. The appeal shall state:

- (1) The name and address of the appellant;
- (2) The nature of the determination being appealed;
- (3) The reason the determination is incorrect; and
- (4) What their proposed determination of the appeal should be.

B. An appellant who fails to file such a statement within the time permitted waives his or her objections, and the appeal shall be dismissed. If a notice of revocation is appealed, the revocation does not take effect until final determination of the appeal. The City Council shall hear and determine the appeal on the basis of the written statement and such additional evidence as it considers appropriate.

C. At the hearing, the appellant may present testimony and oral argument, personally or by counsel, and any additional evidence. The rules of evidence as used by courts of law do not apply, and the decision of the City Council after the hearing is final.

Section 12. Display Required. All registration certificates issued in accordance with this ordinance shall be openly displayed in the place of business or kept on the person or on the vehicle of the person registered. Failure to display or carry such registration shall be deemed a violation of this ordinance.

Section 13. Disclaimers and Exemptions.

A. The levy or collection of a registration fee upon any business shall not be construed to be a permit by the City to the person engaged therein in the event such business shall be unlawful, illegal or prohibited by the laws of the State of Oregon or the United States, or ordinances of the City.

B. Nothing herein contained shall be taken or construed as vesting any right in any registration as a contract obligation on the part of the City. No person having paid the fee required and having made application for a business registration shall be entitled to any refund.

C. None of the fees or registration requirements provided for in this ordinance shall be required if the applicant is a municipality.

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Section 14. Violation – Penalty.

A. A violation of any provision of this ordinance constitutes a Class 2 civil infraction and shall be dealt with according to the procedures established by Ordinance 1998. Each day of the violation of this ordinance shall constitute a separate violation.

B. A finding that a person has committed a violation of this ordinance shall not act to relieve the person from payment of any unpaid business fee, including delinquent charges, for which the person is liable. The penalties imposed by this section are in addition to and not in lieu of any remedies available to the City.

C. If a provision of this ordinance is violated by a firm or corporation, the officer or officers, or person or persons responsible for the violation shall be subject to the penalties imposed by this section.

Section 15. Delinquency Charge. The fee required in this ordinance shall be supplemented by a delinquency charge equivalent to an additional 50% fee if not paid within 15 days after the anniversary date of the original issuance of the business registration. The unpaid fee constitutes a debt to the City upon which the City may initiate legal action to collect.

Section 16. Severability. Each portion of this ordinance shall be deemed severable from any other portion. The unconstitutionality or invalidity of any portion of this ordinance shall not invalidate the remainder of this ordinance.

Section 17. Effective Date. This ordinance shall be in full force and effect on April 1, 1991.

Passed by the Council February 25, 1991, approved by the Mayor February 26, 1991.

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ORDINANCE NO. 2336

AN ORDINANCE ESTABLISHING A FILMING PERMIT PROCESS; SETTING FEES; PROVIDING FOR PENALTIES; AND DECLARING AN EMERGENCY.

[Whereas clauses.]

THE CITY OF WOODBURN ORDAINS AS FOLLOWS:

Section 1. Permits for Filming Required. All persons or legal entities shall obtain a filming permit prior to filming motion pictures, commercials or videotaped productions within the Woodburn City limits. This requirement shall not apply to films made by amateurs or to the filming of news events by accredited representatives of news agencies.

Section 2. Issuance of Filming Permit. Filming permits shall be issued by the City Administrator or the City Administrator's designee.

Section 3. Application. A written application for a filming permit shall be filed with the City Administrator or designee at least fourteen (14) days prior to filming, unless waived by the City Administrator. The application shall include:

1. The name and contact information of the person, firm, or corporation employing the person or persons who will perform the filming.
2. The name and contact information of a person who will be responsible for the filming crew on location in the City.
3. The specific date, location, time of arrival on the filming site and duration of filming (including site preparation, site restoration, and departure) for each scene to be filmed within the City limits.
4. The extent to which normal use of public property/right-of-way will or could be impaired or curtailed during filming.
5. The number and location of vehicle parking spaces that will be needed during filming and the anticipated hours of use of the spaces.
6. The number of police or other City personnel desired or needed for traffic and/or pedestrian control, security of equipment, or other purposes during filming.
7. Written authorization from the property owner if private property is to be used in conjunction with public property during filming.
8. The processing fee as set by this Ordinance.

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Section 4. Review of the Application.

1. The City Administrator or designee shall review the application and may issue the permit if the City Administrator or designee finds that the filming permit will not:

- a. Adversely impact the public health, safety or welfare;
- b. Adversely impact the affected neighborhood(s) or business district(s);
- c. Result in a cost to the public due to the use of public property or facilities, potential loss of public revenue, or provision of City personnel, unless the City is compensated for such costs by the applicant;
- d. Substantially inconvenience residents or businesses; or
- e. Substantially interfere with the public peace or the quiet enjoyment of private residential property.

2. The City Administrator or designee may impose conditions on a permit in order to alleviate or mitigate any potential adverse impacts described in subsection 1 of this section.

3. The City Administrator or designee may deny the application if he or she determines that the permit will result in any of the potential adverse impacts described in subsection 1 of this section which cannot be alleviated or mitigated by the imposition of conditions.

4. An approved filming permit shall:

- a. Specify the location and time of use of any City property that will be affected by filming.
- b. Set forth any conditions or restrictions imposed by the City Administrator or designee pursuant to subsection 2 of this section.
- c. Require a deposit of funds prior to filming in an amount estimated by the City Administrator or designee to be sufficient to compensate the City for any public costs described in subsection (1)(c) of this section incurred as a result of the filming. In the event that filming is cancelled, the City shall refund the deposit minus an amount for any costs incurred by the City up to the date of cancellation.
- d. Require the delivery of a certificate of insurance prior to filming in an amount determined by the City Administrator or designee to be sufficient to protect the City from any and all liability arising out of the filming activity. The certificate of insurance shall name the City of Woodburn as an additional insured.

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Section 5. Appeals.

1. Any decision regarding an application or the conditions of a permit may be appealed by the applicant to the City Council by filing a written notice of intent to appeal with the City Recorder. The notice shall be filed within seventy-two (72) hours of receipt of the decision by the applicant and shall include a statement of the reasons for the appeal and an appeal fee. The filing of an appeal shall stay the permit until the appeal is decided by the Council.

2. In reviewing the appeal, the Council shall determine whether the decision complies with the criteria and requirements of Section 4 of this ordinance. The Council may affirm, reverse or modify the decision. The Council's decision shall be final.

Section 6. Compensation for Public Costs. The applicant shall compensate the City for any and all public costs described in Section 4.1. If the deposit required pursuant to Section 4.4c is insufficient to cover such costs, the applicant shall remit the balance to the City upon receipt of written notice of such additional costs.

Section 7. Permit Application Fee. An application for a filming permit shall be accompanied by a fee in the amount of \$1,000.00.

Section 8. Appeal Fee. An appeal under Section 5 of this Ordinance shall be accompanied by an appeal fee in the amount of \$300.00.

Section 9. Violations. A violation of any provision of this Ordinance or of any term or condition of an approved filming permit is a Class 1 civil infraction and shall be enforced pursuant to the Civil Infraction Ordinance.

Section 10. Severability Clause. If a portion of this Ordinance is for any reason held to be invalid, such decision shall not affect validity of the remaining portions of this Ordinance.

Section 11. [Emergency clause.]

Passed by the Council May 12, 2003, and approved by the Mayor May 14, 2003.